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Paper No. 12

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MAR 25 2004

OFFICE OF PETITIONS

In re Application of :
Patrick H. Potega :
Application No. 09/475,946 :
Filed: December 31, 1999 : ON PETITION
Title of Invention: :
Hardware for Configuring and :
Delivering Power :

This is a decision on the petition under 37 CFR 1.137(b), filed November 10, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed September 9, 2002, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 10, 2002. A Notice of Abandonment was mailed on May 19, 2003.

A petition filed under 37 CFR 1.137(a) was dismissed in a Decision mailed July 11, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

A Request for Reconsideration of Petition Under 37 CFR 1.137(a) was dismissed in a decision mailed August 27, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

The instant petition

Applicant files the instant petition under 37 CFR 1.137(b), to revive the application based upon unintentional delay.

Applicable Law

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c).

As to item (2), effective October 1, 2003, the fee for a petition to revive an application abandoned unintentionally is \$665.00. A decision on the merits of the petition will be withheld until the appropriate fee has been submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2201 South Clark Place
Customer Window
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.



Derek L. Woods
Petitions Attorney
Office of Petitions

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.